



S
AF

**RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE REQUESTED
EXAMINING GROUP 3761
PATENT
Attorney Docket No. 06854.0046**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Katsuyoshi Nagao et al.)
Application No.: 10/554,094) Group Art Unit: 3761
Filed: October 21, 2005) Examiner: Adam M. Marcketich
For: Drug Solution Filling Plastic) Confirmation No.: 6586
Ampoule and Process for) Mail Stop AF
Producing the Same)
)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY

In the Office Action of April 23, 2010, the Examiner rejected claims 1, 3, 11 and 12 under 35 U.S.C. § 103(a), for being obvious over Meierhoefer (U.S. 4,502,616) in view of Itoh (U.S. 6,042,906) further in view of a newly cited reference to Ding (U.S. 6,255,196). The withdrawal of the rejection of the claims for being obvious over Meierhoefer in view of Pfeiffer and Itoh is appreciated. However, it is believed the claims are also not obvious over the newly cited combination of references for the following reasons.

As discussed previously, Meierhoefer discloses a vial in which a container body has only a single layer of plastic. Paragraph 11 of the Office Action. Itoh discloses a